

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

MARCO V. HARRISON, JR.

PLAINTIFF

V.

NO. 1:23-cv-00129-GHD-DAS

ANDREW YOUNG and THE BANK
OF NEW YORK MELLON

DEFENDANTS

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

On consideration of the file and records in this action, the Court finds that the Report and Recommendation [11] of the United States Magistrate Judge dated August 16, 2024, regarding the dismissal without prejudice of this *pro se* action, because the Court does not possess subject matter jurisdiction over the Plaintiff's claims, was on that date duly served upon the Plaintiff; and the Plaintiff's objections [15] thereto have been filed and reviewed by the Court. The Magistrate Judge issued the Report and Recommendation after reviewing the Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2) because the Plaintiff is proceeding *in forma pauperis* [12].

For the reasons aptly set forth in the Magistrate Judge's Report and Recommendation, the Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. The Plaintiff's Complaint asserts claims for solely state law causes of action, despite seeking to invoke the Court's jurisdiction under 28 U.S.C. § 1331, which requires a federal question, and invoking statutes that do not provide a private cause of action. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). The Court shall therefore dismiss the Plaintiff's claims without prejudice. See, e.g., *Thompson v. Mississippi Power Co.*, No. 2:24-CV-13, 2024 WL

3390607, at *2 (S.D. Miss., Apr. 12, 2024).

The Court therefore hereby **ORDERS** the following:

- 1) the Report and Recommendation [11] of the United States Magistrate Judge dated August 16, 2024, is hereby approved and adopted as the opinion of the Court;
- 2) this Court is without subject matter jurisdiction to adjudicate the Plaintiff's claims; and
- 3) the Plaintiff's claims are DISMISSED WITHOUT PREJUDICE, and this case is CLOSED.

SO ORDERED, this, the 30th day of September, 2024.



SENIOR U.S. DISTRICT JUDGE